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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,051	11/06/2003	Jorge Melgosa	59643.00353	7417

32294 7590 07/13/2005

SQUIRE, SANDERS & DEMPSEY L.L.P.  
14TH FLOOR  
8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER

EKONG, EMEM

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/702,051	<b>Applicant(s)</b> MELGOSA, JORGE	
	<b>Examiner</b> EMEM EKONG	<b>Art Unit</b> 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/06/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/10/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. New formal drawings are required in this application. See the attached Notice of Draftsperson's Patent Drawing Review for appropriate corrections.

2. The drawings are objected to because of the following minor informalities:

a) On figure 1 step 11 is empty; indicate type of network on drawing sheet.

Proper label is required.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

4. Claim 20 is objected to because of the following informalities:

On line 1 of claim 20, replace "claim 20" with --claim 19-- before "wherein";

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,

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except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Publication No. 20050078809 A1 to Arturo Martin de Nicolas (Nicolas) et al.

Regarding claims 1, 13 and 19, Nicolas discloses a communications system comprising:

a first communications node; a second communications node (switching points (SPs)),

(see figure 1, paragraphs 0041, 0048 and 0049);

a plurality of charging nodes (servers(xS)) (see figure 1, paragraphs 0043 and 0056); and

a memory (i.e. payment server (PS) allocated in switching points (SP) or switching points having a memory for holding accounting information (SP))(paragraphs 0056, and 0059);

said first node comprising means for sending information to at least one of said charging nodes( see figure 1 and paragraph 0027-0032),

said second node comprises means for sending information to at least one of said charging nodes( see figure 1 and paragraph 0027-0032),

said memory comprising means for storing information identifying at least one of said charging nodes (i.e. payment server (PS) is allocated in server (xS)) (paragraphs 0022, 0023, 0029, 0031, 0056, and 0071-0074); wherein

said first node and said second node are arranged to send respective information to the same said at least one charging node in dependence on said information stored in said memory (see figures 1, and 3, paragraphs 0027-0032 and 0049-0051).

Regarding claims 2, and 14, Nicolas discloses a communications system as claimed in claims 1 and 13, wherein said first or second node comprise means for selecting the said at least

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one charging node dependent on the context of communication data passing between said first node and said second node (i.e. payment server (PS) is allocated in server (xS)) (see fig. 2, paragraphs 0020-0023, 0051, 0056, 0071-0074, and 0089).

Regarding claims 3, and 16, Nicolas discloses a communications system as claimed in claims 2 and 14, wherein the context of communications data is dependent on at least one of: a subscriber requesting or transmitting said communications data; a session requested by said subscriber; a packet data protocol used in said session requested by said subscriber (paragraphs 0005, 0049 – 0051, and 0089).

Regarding claim 4, Nicolas discloses a communications system as claimed in claim 1, wherein said communications system is a UMTS architecture communications system (paragraph 0002).

Regarding claim 5, Nicolas discloses a communications system as claimed in claim 1, wherein said communications system is a GPRS architecture communications system (paragraph 0005).

Regarding claim 6, Nicolas discloses a communications system as claimed in claim 1, wherein said first communications node is a gateway GPRS service node (GGSN) (paragraph 0005).

Regarding claim 7, Nicolas discloses a communications system as claimed in claim 1, wherein said second communications node is a serving GPRS support node (SGSN) (paragraph 0005).

Regarding claim 10, Nicolas discloses a communications system as claimed in claim 1, wherein said memory is located within said first or said second communications node (ie payment server (PS) allocated in switching points SP) (paragraph 0005, and 0059).

Regarding claim 11, Nicolas discloses a communications system as claimed in claim 10, further comprising a second memory located within the other of said first or second communications node, wherein said second memory is arranged to store information identifying at least one of said charging nodes and said second memory is arranged so that the value stored in said memory is synchronised with the value stored in said second memory (i.e. payment server (PS) allocated in switching points SP) (see figures 1, and 3, paragraphs 0022, 0023, 0029, 0031, 0056, and 0071-0074).

Regarding claim 12, Nicolas discloses a communications system as claimed in claim 11, wherein said information sent by at least one of said first and second nodes comprises at least one data record (i.e. payment server (PS) is located in switching points (SP)) (see fig. 3 and paragraphs 0089, 0093, and 0094).

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Regarding claim 15, Nicolas discloses a method as claimed in claim 14, further comprising the step of: passing a value identifying said selected at least one charging node to said memory device (paragraphs 0031, and 0071-0074).

Regarding claim 17, Nicolas discloses a method as claimed in claim 13, further comprising the step of storing in a further memory device said information identifying at least one of said plurality of charging nodes (paragraphs 0029, and 0031).

Regarding claim 18, Nicolas discloses a method as claimed in claim 17, further comprising the step of maintaining said memory and said second memory so that the information identifying at least one of said charging nodes is the same (paragraphs 0031, and 0071-0074).

Regarding claim 20, Nicolas discloses a node as claimed in claim 20, wherein said node is arranged to send said information in said memory to a second node (fig.1 and 3).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

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U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolas in view of U.S. Patent No. 6463275 B1 to Ian Andrew Deakin (Deakin).

Consider claims 8 and 9, Nicolas discloses a communications system as claimed in claim

1.

However Nicolas fails to specifically disclose a communications system wherein said at least one charging node comprises a charging gateway function (CGF), and at least one charging node is a charging gateway (CG).

In a similar field of endeavor Deakin discloses a system and method for billing in a radio telecommunications network. Deakin further discloses a communications system wherein said at least one charging node comprises a charging gateway function (CGF); and at least one charging node is a charging gateway (CG) (see figures 1 and 2, col. 1 line 64-col. 2 line 32, and col.3 lines 16-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communication system of Nicolas with the teachings of Deakin for the purpose of designating a specific node for appropriate billing system and processing.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's



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disclosure.

The following patents are cited to further show the state of the art with respect to communication system:

U.S. Pat. No. 6173171 to Christopher Plush (Plush) et al

U.S. Pat. No. 6515989 to Hans Ronneke (Ronneke)

U.S. Pat. No. 6839684 to Jussi Rissanen (Rissanen) et al


U.S. Pub. No. 20020119766 A1 to Richard J. Bianconi (Bianconi) et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571 272 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOE  
07/07/05

  
**RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**  
7/2/05